

Before the
Federal Communications Commission
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules Pertaining)
to End User and Mobile Licensing)
Information)

RM-7407
RM-7749
PR Docket No. 92-78

ORIGINAL
FILE

To: The Commission

REPLY COMMENTS OF PACTEL PAGING

1. PacTel Paging ("PacTel"), by its attorneys, hereby submits its Reply Comments regarding the Commission's above-captioned Notice of Proposed Rulemaking ("NPRM") pertaining to End User and Mobile Licensing Information under Part 90 of the Commission's rules governing private land mobile radio services. This reply, like PacTel's original comments, is limited to addressing those aspects of the rules which affect PCP operators.^{1/}

2. The comments filed regarding the Commission's proposals in the NPRM enthusiastically support the Commission's efforts to eliminate unnecessary paperwork for PCP operators while maintaining a regulatory framework that will meet the needs of applicants and licensees alike. In the aggregate, the comments emphasize the need to alleviate some regulatory and administrative burdens placed on PCP operators who are attempting

^{1/} As one of the largest and most efficient providers of PCP service in the nation, PacTel is keenly interested in the Commission adopting rules to simplify and reduce the regulatory requirements imposed on PCP operations.

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to provide timely and cost-effective service. Not surprisingly, the comments offer some differing views on the specific approaches the Commission should take in modifying the licensing requirements. PacTel submits that, on balance, the most persuasive case is offered by those who urge the Commission to adopt channel usage reporting requirements based upon actual air time occupancy measurements and not upon a percentage increase in the number of paging units on a system.^{2/}

3. PacTel fully supports amendments to the Commission's rules relieving licensees from filing modification applications to reflect changes in units served until such time as realistic levels of usage warrant notification to the

^{2/} Along with PacTel, the following commenting parties voiced support for the use of channel airtime data for reporting loading of a PCP channel: Columbia Communications, Inc., Communications Center, Inc., Communications Ventures, Inc., Kentec Communications, Inc., Madera Radio Dispatch, Inc., Mobile Communications, Inc., Nu-Page of Winder, Paging Plus, Tri-Cities Beepers, Inc., and Utilities Telecommunications Council. International Municipal Signal Association, International Association of Fire Chiefs, Inc., NABER, Brown and Schwaninger, and Special Industrial Radio Service Association ("SIRSA") support the Commission's proposal to use the 35 percent unit differential for purposes of filing license modifications. Paging Network, Inc. ("PageNet") also supports the use of the 35 percent unit differential, but proposed filing those changes on an annual schedule rather than filings triggered by statistical changes in units. Cellpage, Inc. advocates elimination of a license modification rule altogether, suggesting that NABER continue soliciting spectrum usage information through questionnaires on an application-by-application basis. Cellpage also proposes an annual reporting requirement which would fill in gaps to NABER'S periodic questionnaires to carriers.

Commission.^{3/} PacTel believes the new license modification requirement should focus on the licensee achieving significant capacity utilization benchmarks, such as 20%, 40%, 60%, 80% and 100% of channel capacity utilized. Modifications would be required if the capacity benchmarks listed on the license are exceeded or if actual usage decreased significantly. Actual channel usage would be determined by performing a traffic load study using a bouncing busy hour analysis (See PacTel Comments, Draft Rules at Attachment 1). A licensee would use bouncing busy hour data rather than focusing upon a percentage increase or decrease in the number of units in service to report loading changes on a PCP channel.^{4/}

^{3/} PacTel proposes that the Commission eliminate any license modification requirements regarding channel loading or occupancy with respect to PCP systems which have been granted exclusivity under the rules adopted pursuant to the Petition for Rulemaking filed by the Association of Private Carrier Paging ("APCP") in RM-7986. In its comments, PageNet also supported elimination of license modifications regarding loading for PCP Systems granted exclusivity under APCP'S proposal. (See, Paging Network, Inc. Comments, p. 4, fn. 4.)

^{4/} Of those supporting the 35 percent differential, only PageNet, SIRSA and NABER directly oppose the imposition of channel occupancy methods as too confusing and difficult to administer. NABER, however, indicated that reporting of types of pagers was important to determine the length of transmissions, which in turn assisted coordinators in proper channel allocation. PacTel submits that with the advent of electronic monitoring systems and a precise formula such as that set forth in PacTel's proposed rule changes, collection of traffic loading by each carrier is easily manageable and less time consuming than filling out questionnaires and/or auditing unit changes.

4. Neither the Commission nor frequency coordinators can predict channel loading accurately based solely upon the numbers of units. If the Commission's objective is to adopt a licensing scheme which provides useful information in the assignment of shared channels, a standard which accounts for the actual air time usage is infinitely more suitable than predictions based solely upon the number of units utilizing the channel. PacTel recommends that the Commission avoid replacing a system based upon numbers of units (i.e., 50 or more) with a similar type of system (35 percent increase/decrease) that is equally flawed as a mechanism for garnering essential loading data on shared PCP channels.^{2/}

^{2/} PacTel also proposed in its Comments that in instances where license modifications are required, the filings should be done with considerable less paperwork. PacTel again urges the Commission to adopt a simplified reporting mechanism for changes in channel utilization.

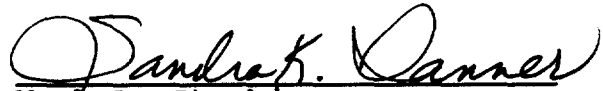
CONCLUSION

PacTel respectfully requests that the Commission modify the subject rules in a manner consistent with PacTel's Comments filed on June 26, 1992, and as set forth herein.

Respectfully submitted,

PACTEL PAGING

By:



Mark A. Stachiw
Carl W. Northrop
Sandra K. Danner
Its Attorneys

Mark A. Stachiw, Esq.
PacTel Paging
12221 Merit Drive, Suite 800
Dallas, TX 75721
(214) 458-5200

Carl W. Northrop, Esq.
Sandra K. Danner, Esq.
700 13th Street, N.W.,
Suite 700
Washington, DC 20005
(202) 508-6000

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CERTIFICATE OF SERVICE

I, Lois L. Trader, hereby certify that on this 13th day of July, 1992, I caused copies of the foregoing Reply Comments of PacTel Paging to be sent by United States mail, first class and postage prepaid, or by hand-delivery as specified, to the following:

Freda Lippert Thyden*
Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 502, Mail Stop 1700
Washington, D.C. 20036

Minnie M. Adams
Vice President-Corporate
Mitchell Energy & Development Corporation
P.O. Box 4000
The Woodlands, Texas 77387-4000

Martin W. Bercovici, Esquire
Carol Moors Toth, Esquire
Wayne V. Black, Esquire
Terry J. Romine, Esquire
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Dennis C. Brown, Esquire
Robert H. Schwaninger, Jr., Esquire
Brown and Schwaninger
1835 K Street, N.W.
Suite 650
Washington, D.C. 20006

Joan M. Griffin, Esquire
GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

Frederick M. Joyce, Esquire
Joyce & Jacobs
2300 M Street, N.W.
Eighth Floor
Washington, D.C. 20037

William K. Keane, Esquire
Winston & Strawn
1400 L Street, N.W.
Washington, D.C. 20005

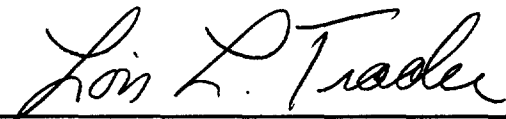
Thomas J. Keller, Esquire
Verner, Liipfert, Bernhard, McPherson
and Hand, Chartered
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

John D. Lane, Esquire
Robert M. Gurss, Esquire
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W., #1100
Washington, D.C. 20006-2866

Judith St. Ledger-Roty, Esquire
Marine K. Sarver, Esquire
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036

Jeffrey L. Sheldon, Esquire
Mara J. Primosch, Esquire
Utilities Telecommunications Council
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

David E. Weisman, Esquire
Alan S. Tilles, Esquire
Meyer, Faller, Weisman and Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015


Lois L. Trader

* By Hand-delivery

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